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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JACK GESCHEIDT, *et al.*,

Plaintiffs,

v.

DEB HAALAND, Secretary of Interior, *et al.*,

Defendants.

Case No. 4:21-cv-4734-HSG

**STIPULATION AND ORDER
REGARDING SUPPLEMENTATION OF
ADMINISTRATIVE RECORD**

Hon. Haywood S. Gilliam, Jr.

Plaintiffs and Defendants, through their undersigned counsel, hereby stipulate as follows:

WHEREAS, on October 12, 2021, Defendants filed the Certified Administrative Record (“CAR”) for this action. ECF Nos. 39-47.

1 WHEREAS, Plaintiffs seek to supplement the CAR with the following documents (collectively,
2 “Plaintiffs’ Supplemental Documents”):

- 3 • Letter dated August 13, 2020 to the NPS from Katherine Meyer on behalf of the Center for
4 Biological Diversity requesting that NPS take actions to ensure the Tule elk have access to
5 sufficient water;
- 6 • Necropsies conducted on Tule elk found dead or euthanized in Point Reyes National
7 Seashore since 2012;
- 8 • Letter submitted to Secretary Haaland on behalf of five wildlife biologists, dated June 24, 2021,
9 expressing their collective concerns about the lack of forage and water available to the Tule Elk
10 at Tomales Point;
- 11 • Letter from Plaintiffs’ counsel to Defendants’ counsel dated August 16, 2021, outlining
12 worsening conditions at Tomales Point, including photographs and video footage;
- 13 • Cobb, McCrea, *Spatial Ecology and Population Dynamics of tule elk at Point Reyes National
14 Seashore, California* (Summer 2010);

15 WHEREAS, the Parties wish to avoid unnecessary litigation regarding the propriety of
16 supplementing the CAR with Plaintiffs’ Supplemental Documents.

17 NOW THEREFORE, the Parties hereby STIPULATE, by and through their undersigned counsel,
18 that Plaintiffs’ Supplemental Documents shall be filed with the Court in a Supplemental Administrative
19 Record (“SAR”) to be prepared and filed by Plaintiffs on or before November 22, 2021. Plaintiffs may
20 cite to and rely upon the SAR, provided, however, that the filing of the SAR does not constitute, and
21 shall not be construed as, an admission or evidence that Plaintiffs’ Supplemental Documents (a) are
22 relevant to the claim asserted in Plaintiffs’ First Amended Complaint or to Defendants’ defenses thereto;
23 or (b) were or should have been considered by Defendants with respect to any alleged action or inaction,
24 including but not limited to whether or not to revise the 1980 Point Reyes National Seashore General
25 Management Plan.

26 DATED: November 17, 2021

27 Respectfully submitted,

28 STEPHANIE M. HINDS
Acting United States Attorney

/s/ David M. DeVito¹

DAVID M. DEVITO
Assistant United States Attorney

Attorneys for Defendants

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

/s/ Matthew P. Rand

Matthew P. Rand
Trial Attorney

Dated: November 17, 2021

Respectfully submitted,

/s/ Kate Barnekow

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Attorney for Plaintiffs

¹ In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that counsel for Plaintiffs has concurred in the filing of this document.


ORDER

Pursuant to stipulation of the Parties, it is hereby ordered that:

1. On or before November 22, 2021, Plaintiffs shall file the Supplemental Administrative Record consisting of Plaintiffs' Supplemental Documents.

2. Plaintiffs may cite to and rely upon Plaintiffs' Supplemental Documents, provided, however, that the filing of the SAR with the Court does not constitute, and shall not be construed as, an admission or evidence that Plaintiffs' Supplemental Documents (a) are relevant to the claim asserted in Plaintiffs' First Amended Complaint or Defendants' defenses thereto; or (b) were or should have been considered by Defendants with respect to any alleged action or inaction, including but not limited to whether or not to revise the 1980 Point Reyes National Seashore General Management Plan ("GMP").

DATED: 11/17/2021


HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge